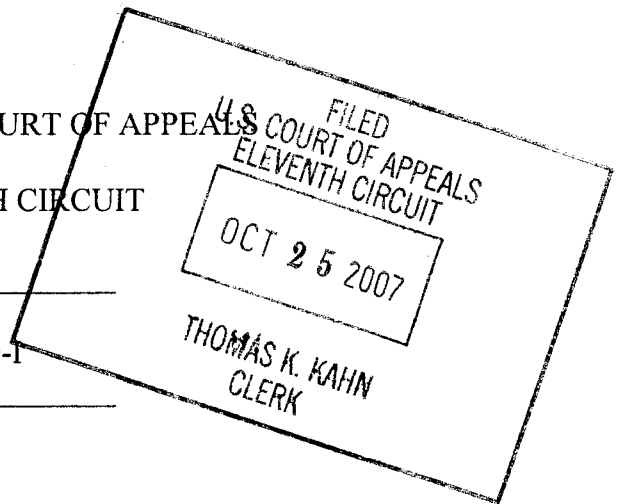


IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 07-13790-1



ANTHONY BURDEN,

Petitioner-Appellant,

versus

RICHARD F. ALLEN, Director, Alabama Dept. of Corrections,
TROY KING, The Attorney General of the State of Alabama,
et al.,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

Because appellant has satisfied the standard set forth by the U.S. Supreme Court in Slack v. McDaniel, 529 U.S. 473, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000), appellant's motion for a certificate of appealability, construed from his notice of appeal, is GRANTED on the following issue(s) only:

Whether the district court erred in determining that appellant failed to exhaust in state court his claim that a juror committed misconduct by failing to disclose a personal relationship she had with the family of the victim by stating the claim in federal terms?

/s/ R. Lanier Anderson
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

For rules and forms visit
www.ca11.uscourts.gov

October 25, 2007

Robert A. Ratliff
Robert A. Ratliff, P.C.
713 DAUPHIN ST
MOBILE AL 36602-1512

Appeal Number: 07-13790-I
Case Style: Anthony Burden v. Richard F. Allen
District Court Number: 05-00433 CV-F-E ()

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

* * * * The briefing schedule will be set by separate letter * * * *

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Vacant Desk / spt (404) 335-6120

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Debra P. Hackett
Clerk, U.S. District Court
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MONTGOMERY AL 36104-4055

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MONTGOMERY, AL

October 25, 2007

Appeal Number: 07-13790-I

Case Style: Anthony Burden v. Richard F. Allen
District Court Number: 05-00433 CV-F-E ()

TO: Robert A. Ratliff
CC: Debra P. Hackett
CC: John M. Porter
CC: Troy King
CC: Administrative File